

Sponsor: Joanne Clendaniel
First Reading: December 9, 2013
Second Reading: January 13, 2014

AN ORDINANCE TO REPEAL "AN ORDINANCE: REGULATING THE PARKING OF
OVERSIZED VEHICLES; CONTAINING DEFINITONS, AND PROVIDING PENALTIES
FOR VIOLATIONS" AS FOUND IN ARTICLE 1, TITLE 8 AND TO ADOPT A NEW
ORDINANCE REGULATING OVERSIZED VEHICLES IN THE TOWN OF FELTON

WHEREAS, the parking of oversized vehicles on public streets in the Town of Felton impedes the flow of traffic on such streets, obstructs the view of motorists and pedestrians, and creates a situation that is dangerous to both motorists and pedestrians; and

WHEREAS, Section 3.2.7 of the Charter of the Town of Felton authorizes the Town to "regulate the use and enjoyment of, [and] prevent or remove any obstruction of" streets, highways, lanes, and alleys in the Town.

BE IT HEREBY ENACTED by the Town Council of the Town of Felton, a majority thereof concurring in Council duly met, that "An Ordinance: Regulating the Parking of Oversized Vehicles; Containing Definitions, and Providing Penalties for Violations" as found in Article 1, Title 8 is hereby repealed in its entirety and a new Article 1, Title 8 be and hereby is adopted as follows:

ARTICLE 1
TITLE 8

**AN ORDINANCE REGULATING THE PARKING OF OVERSIZED VEHICLES IN
THE TOWN OF FELTON AND PROVIDING PENALTIES FOR VIOLATIONS**

Section 1. Parking of oversized vehicles on town streets prohibited. No owner or operator of any oversized vehicle as hereinafter defined shall park said oversized vehicle on any street within the corporate limits of the Town of Felton.

Section 2. Definitions.

Oversized vehicle: Any land vehicle or heavy construction equipment designed to be self-propelled, towed, or pushed, exceeding 21 feet 6 inches in length or 8 feet in width, or both, or having 3 or more axles, which shall include by way of example and not in limitation, tractor trailers, trucks, trailers, recreational vehicles, buses, boat trailers, travel trailers, and mobile or semi-mobile construction equipment such as backhoes, front-end loaders, bulldozers, road scrapers, cranes, and graders.

Park: To stop, stand, and/or leave an oversized vehicle in one place or location in excess of five minutes.

Recreational vehicles: Vehicles or trailers used or designed for temporary human living quarters or sleeping quarters, whether or not propelled by a motor, including (but not limited to)

motor homes, self-propelled campers, and other motor vehicles with attached camper components.

Street: Any public street, alley, lane, or road, including the entire right-of-way thereof, as well as any public parking lot or public open space belonging to or under the supervision and control of the Town of Felton.

Section 3. Exceptions. This ordinance shall not prohibit the following:

- (a) buses and other public transport unloading or off-loading passengers;
- (b) vehicles that are in the active process of being loaded or unloaded;
- (c) commercial vehicles making deliveries to recipients within the town;
- (d) public service and/or public utility vehicles that are actively providing services, including but not limited to electric, telephone, water, natural gas service vehicles or equipment;
- (e) emergency vehicles, including but not limited to police, fire, and ambulance;
- (f) any vehicle participating in a town-sanctioned public parade or exhibition during the day(s) during which such parade or exhibition is to take place;
- (g) parking of oversized vehicles on any portion of U.S. Route 13 within the town limits of the Town of Felton where such parking is specifically permitted by Delaware State Law or by regulation by the Department of Transportation; and
- (h) the parking of recreational vehicles for up to 72 hours where the owner(s) of the recreational vehicle does not own or rent property in the Town of Felton and where the Town has determined that the parking of the recreational vehicle will not impede the flow of traffic on the street where the recreational vehicle will be parked, provided that a permit is first obtained from the Town.

Section 4. Penalties. Any person convicted of violating this ordinance shall pay a civil penalty as follows: \$25.00 for the first offense; \$25.00 for the second offense; \$50.00 for the third and each subsequent offense. For purposes of determining whether a violation is a first, second, third, or subsequent violation, only violations occurring within 365 days immediately previous to the violation in question (and resulting in a conviction) shall be counted. Each day or portion thereof that a violation of this ordinance continues shall be a separate offense. Any person convicted of violating this ordinance shall also pay court costs and victim's compensation fund assessment if applicable.

Section 5. Notice. Notice of the prohibitions of this ordinance shall be posted through appropriate signage in such public places and streets as, in the reasonable opinion of the Town Council, shall apprise the public of the prohibitions hereof. In addition, anything in this ordinance to the contrary notwithstanding, no person shall be cited for a first offense until that person shall have received a written warning.

Section 6. Severability. If any section, paragraph, sentence or clause of this ordinance shall be determined, by any court of competent jurisdiction, to be unconstitutional, illegal, or unenforceable, the balance of this ordinance shall remain in full force and effect.

Section 7. Effective Date. This ordinance shall not take effect until the complete text hereof has been posted at the Town Hall and at three other public places within the town for seven days from the date of its final adoption.

Synopsis

This ordinance repeals the prior Article 1, Title 8 and adopts a new ordinance prohibiting the parking of oversized vehicles, including recreational vehicles, as both are defined in the ordinance, on streets in the Town of Felton. This ordinance includes various exceptions for certain vehicles such as buses, vehicles that are being loaded or unloaded, utility vehicles, and emergency vehicles. A permit may be obtained to park a recreational vehicle on a street for up to 72 hours where the owner of the vehicle does not own or rent property in town and where the vehicle will not impede traffic on the street on which it is going to be parked. This ordinance specifies penalties for violations of the ordinance, requirements for providing the public with notice of the ordinance, and the effective date of the ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Felton at a duly-noticed and convened meeting at which a quorum was present on 1-13-2014, ~~2013~~.

So Certifies:

Attest: Amy Lupinetti
Town Clerk

D. L. Kelly
Mayor

This shall certify that the title and synopsis of the foregoing ordinance was posted in three public places in the Town (including the Town Hall) on 1-13-2014, ~~2013~~.

So Certifies:

1-13-2014
Date

Amy Lupinetti
Town Clerk